

Appln. No. 10/734,757

Amendment in Resp. to Off. Act. of Aug. 4, 2004

UTILITY PATENT

B&amp;D No. TN0667D

**REMARKS**

Applicants have amended Claim 26 and canceled Claim 27.

Pending in the present application are therefore Claims 26, 28 and 47-52.

The Examiner rejected Claims 26-27 under 35 USC § 102(b) as being anticipated by US Patent No. 5,293,802 ("Shiotani"). The Examiner also rejected Claims 26-28 under 35 USC § 103(a) as being unpatentable over Shiotani. Request and reconsideration of these rejections are respectfully requested.

Claim 26 calls for a fence assembly comprising a fence beam, and a fence head connected to the fence beam, the fence head comprising a main body, a rod having two ends and rotatably connected to the main body, a first cam disposed at one end of the rod, a second cam disposed at the other end of the rod, a handle connected to the rod, where movement of the handle causes rotation of the cams, a first movable plate contacting the first cam, the first movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam, and a second movable plate contacting the second cam, the second movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam, wherein the first and second movable plates are separate.

Admittedly, Shiotani discloses a fence assembly comprising a fence beam, and a fence head connected to the fence beam, the fence head including a main body, a rod having two ends and rotatably connected to the main body, a first cam disposed at one end of the rod, a second cam disposed at the other end of the rod, a handle connected to the rod, where movement of the

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handle causes rotation of the cams, and a movable plate contacting both the first and second cams.

Shiotani, however does not disclose that (a) the first movable plate is movable between a first position contacting the fence beam and a second position not contacting the fence beam, (b) the second movable plate is movable between a first position contacting the fence beam and a second position not contacting the fence beam, or (c) the first and second movable plates are separate.

The Examiner argues that reference numerals "407c" refer to the movable plates. Assuming for the sake of argument that such elements are the claimed movable plates, Applicants note that such elements 407c do not contact the fence beam and thus cannot move between a contacting position and a non-contacting position. Furthermore, because both elements 407c are joined and moved together, they cannot be considered to be "separate," as claimed.

By contradistinction, Claim 26 requires (a) "a first movable plate contacting the first cam, the first movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam;" (b) "a second movable plate contacting the second cam, the second movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam;" and (c) "the first and second movable plates [being] separate."

Because Shiotani does not have such elements, it cannot render unpatentable Claim 26 and its dependent claims.

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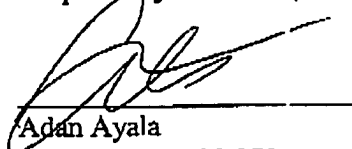
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All the claims are deemed patentable and the application is believed to be in condition for formal allowance. Accordingly, allowance of Claims 26, 28 and 47-52 are respectfully requested.

No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,

  
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